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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,693	04/24/2001	Young Y. Hwang	5773-10-CIP	4412

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EXAMINER

SAVAGE, MATTHEW O

ART UNIT PAPER NUMBER

1723

7

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,693

Applicant(s)

HWANG, YOUNG Y.

Examiner

Matthew O Savage

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 1-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Applicant's election with traverse of group III in Paper No. 6 is acknowledged. The traversal is on the ground(s) that the method claim has been amended to recite a filter system capable of continuously extracting particulate materials from oil and removing the extracted particulates from the filter system. This is not found persuasive because the process could be carried out by other and materially different apparatuses, for example, an apparatus including a hydrocyclone separator or vibrating filter as opposed to a centrifuge as required by group I, or an apparatus including a reservoir not having a mechanism for conveying food products as required by groups I and II.

The requirement is still deemed proper and is therefore made FINAL.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 28 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to disclose how clogging is detected and where clogging is detected as recited in instant claim 28.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

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of the following is required: the subject matter of claim 28 lacks antecedent basis in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 4 of claim 21, "said extracted particulates" lack antecedent basis. On line 7, it is unclear as to what step "for reuse" implies, and as to whether or not the step of "reuse" is being positively claimed.

On line 2 of claim 28, "the supply of cooking oil" lacks antecedent basis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-25 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by DeMartini.

With respect to claim 21, DeMartini discloses a method of treating oil including the steps of transporting a source of oil to a treatment station (e.g., via conduit 14), the treatment system including a filter system 6 capable of continuously extracting

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particulate materials from oil and removing the extracted particulates from the system (e.g., via outlet 10), and transporting the oil from the filter system (e.g., via outlet 9).

Concerning claim 22, DeMartini discloses the step of extracting particulate material includes separating the particulates from the oil and de-oiling the separated material prior to removal from the filter system to reduce the amount of oil retained in the removed particulate material (e.g., with the centrifugal separator 6).

As to claim 23, DeMartini discloses removing oil particulate material above a predetermined size prior to supplying the oil to the filter system (e.g., via settling tank 4).

Regarding claim 24, DeMartini discloses comminuting particulate material above a predetermined size in the oil prior to supplying oil to the filter system (e.g., via mill 1).

As to claim 25, DeMartini discloses introducing a predetermined amount of treatment material B into the oil prior to supplying oil to the system.

Concerning claim 28, DeMartini discloses the step of detecting if any clogging of the supply of oil occurs (e.g., via the safety system shown in FIG. 4 and described on lines 28-46 of col. 3) and shutting down operation of the filter system if a predetermined amount of clogging is detected.

Claims 21, 22, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hawkes et al.

With respect to claim 21, Hawkes et al disclose a method of treating oil including the steps of transporting a source of oil to a treatment station (e.g., via conduit 18, see

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FIG. 1), the treatment system including a filter system 19 capable of continuously extracting particulate materials from oil and removing the extracted particulates from the system (e.g., via outlet 21), and transporting the oil from the filter system for reuse (e.g., via conduit 22).

Concerning claim 22, Hawkes et al disclose the step of extracting particulate material includes separating the particulates from the oil and de-oiling the separated material prior to removal from the filter system to reduce the amount of oil retained in the removed particulate material (e.g., the pre-coat filter 19, see FIGS. 1 and 3)).

Regarding claim 24, Hawkes et al disclose comminuting particulate material above a predetermined size in the oil prior to supplying oil to the filter system (e.g., via comminuter 13).

As to claim 25, Hawkes et al disclose introducing a predetermined amount of treatment material into the oil prior to supplying oil to the system (e.g., via mixing tank 32, and conduits 33 and 36).

Concerning claim 26, Hawkes et al disclose diatomaceous earth (see line 65 of col. 8).

Concerning claim 28, DeMartini discloses the step of detecting if any clogging of the supply of oil occurs (e.g., via the safety system shown in FIG. 4 and described on lines 28-46 of col. 3) and shutting down operation of the filter system if a predetermined amount of clogging is detected.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkes et al in view of Gunawardena.

Hawkes et al fail to specify removing particulate material above a predetermined size prior to supplying oil to the filter system. Gunawardena discloses a deep fat fryer including a conveyor system 28, 24, 38 capable of removing both cooked food products and particulate material above a predetermined size and suggests that such an arrangement facilitates cleaning of the fryer. It would have been obvious to have modified the method of Hawkes et al so as to have included a conveyor as suggested Gunawardena in order to provide an additional step of removing particulate material above a predetermined size in order to facilitate cleaning of the fryer.

Claim 27 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

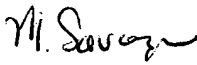
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is 703-308-3854. The examiner can normally be reached on Monday-Friday, 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Matthew O Savage
Primary Examiner
Art Unit 1723

mos
November 6, 2002